

Alabama Board of Electrical Contractors



Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
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Functional and Organizational Analysis of the Alabama Board of Electrical Contractors

Sources of Information

- Representatives of the Alabama Board of Electrical Contractors
- Code of Alabama 1975 § 34-36-1 through § 34-36-17
- Code of Alabama 1975 § 41-20-3 (Sunset Law)
- Code of Alabama 1975 § 41-22-1 through § 41-22-27 (Administrative Procedures Act)
- Alabama Administrative Code Chapters 303-X-1-.01 through 303-X-5-.01
- Alabama Government Manual (1998)
- Alabama Board of Electrical Contractors Audit Report (1997-1999)
- Alabama Board of Electrical Contractors Laws, Rules, and Regulations
- Alabama Board of Electrical Contractors Newsletter, “The Electrical News Brief”

Historical Context

The Alabama Legislature established the Alabama Board of Electrical Contractors in 1985 to license and regulate electrical contractors for the protection of consumers against deficient electrical installations. Prior to the creation of the board, only local entities regulated contractors within their limited jurisdiction.

Agency Organization

The board consists of nine members appointed by the governor. Two members of the board who represent the state-at-large must be members of the Alabama State Electrical Workers Association. The other board members represent each of the seven congressional districts. All board appointees must be residents of Alabama; must be engaged in electrical construction for no less than five years prior to appointment; and must validate their competence as electrical contractors. Although initial appointees served one-to three-year terms to create staggered appointments, all succeeding board members fulfill three-year terms, to expire on June 30 of the final year. Five members constitute a quorum, and a majority vote is needed for decisions. The board must meet at least twice a year in the first and third quarter. It must elect officers, including a chairman and vice chairman, on an annual basis. The board may also hire and determine the salary of an executive secretary. The board contracts with the management firm of Warren & Company to handle its daily business operations. The owner of Warren & Company serves as the board’s executive secretary.

Although not officially activated, the Electrical Appeals and Advisory Board consists of five governor-appointed members who hear appeal cases from the Alabama Electrical Contractors Board. The board’s membership includes two master electricians who hold a statewide license and are active in their profession. One of these two members must be the president of the Alabama State Electrical Workers Association. The other three members consist of one building contractor, one chief electrical inspector of a municipal or county government with at least five

years of current experience, and one licensed electrical engineer who must have five years of experience in Alabama. These members serve three-year staggered terms and establish rules to govern the appeals process upon their initial selection. An organizational chart of the Alabama Board of Electrical Contractors is attached.

Agency Function and Subfunctions

The mandated function of the Alabama Board of Electrical Contractors is to license and regulate electrical contractors for the protection of consumers against deficient electrical installations. The board is one of the agencies responsible for performing the Regulatory function of Alabama government.

In the performance of its mandated function, the Alabama Board of Electrical Contractors may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In compliance with the Administrative Procedures Act (Code of Alabama, 1975 § 41-22-1 through § 41-22-27), the board adopts rules and regulations to help fulfill its regulatory function. This subfunction encompasses activities pertaining to the development of rules, regulations, and procedures for licensure.
- **Licensing.** The board issues licenses to certify electrical contractors and journeyman electricians to work within the State of Alabama. The former has more experience and the knowledge to install and repair systems, with the ability to obtain a permit for projects. The latter are qualified electricians who must work under a locally approved master or state certified electrical contractor. In order for either type of application for a license to be approved by the board, that applicant must submit a letter of intent, along with the application, fee, and supporting documents, at least thirty days prior to an examination, which must be passed before issuance of a license. Examinations are offered at least once every three months. Upon the board's approval, the executive secretary sends the applicant a pre-numbered license, which must be displayed at the licensee's main place of business. Licensees must renew their license each year by paying a fee to the board. No continuing education requirements exist for the renewal of licenses. After passage of the expiration date, journeyman electricians and electrical contractors may pay a restoration fee to renew their license within two years after the expiration date. After such time, journeyman electricians and electrical contractors must apply for a new license. The board maintains a roster on its website of the names of all journeyman electricians and electrical contractors who have received certification from the board.
- **Enforcing.** The board investigates alleged violations of its regulations. If enough proof is presented concerning an alleged violation, the board may hold a hearing after giving proper notice to the accused. The board may subpoena witnesses through the circuit court of Montgomery and may appoint an examiner to assist with the hearing. For those cases where the accused is found guilty, the board may deny or suspend a license, impose a fine of not more than \$1000, or reprimand the individual. Upon suspension of a license, the

accused may appeal to the Electrical Appeals and Advisory Board, which has not yet been officially activated.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative activities performed to support the programmatic areas of the agency.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting; promoting or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the state Finance Department; documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

Managing Properties, Facilities, and Resources: Activities include: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing security for property owned by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Alabama Board of Electrical Contractors

Agency Record Keeping System

The Alabama Board of Electrical Contractors' contracted management firm currently operates a hybrid record keeping system composed of electronic and paper-based records. The firm uses Access to maintain a database of licensees. Electronic records are backed up daily on tapes.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Board of Electrical Contractors: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the Alabama Board of Electrical Contractors are discussed below.

- **Licensure Files.** A file is created for each individual who receives either a journeyman or electrical contractor's license from the Alabama Board of Electrical Contractors. Included in this file is a record of the individual's application process, in addition to the annual renewal information. After expiration of a license, an individual has two years to pay a restoration fee to renew the license. After such time, the individual must repeat the application process and pass the examination. The board recommends a retention of five years after the licensee becomes inactive to fulfill audit requirements and for administrative purposes. After this retention, licensee information can be found in the annual roster or meeting minutes.
- **Investigation Files.** The Code of Alabama 1975 § 34-36-6 requires that the board "investigate alleged violations of the provisions of this chapter and any other law of this state pertaining to electrical contracting and any rules and regulations adopted by the board." Included in the board's investigation files are complaints, investigation findings, hearing proceedings, and final resolutions. The board recommends a retention of five years to fulfill the administrative requirements. Summary information of investigations may be found in the meeting minutes.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations

- **Minutes of the Board.** Meeting minutes record the decisions and actions of the board, providing key summary documentation of the board's operation. **(Bibliographic Title: Meeting Minutes)**
- **Published Rules and Regulations.** Periodically, the board publishes and distributes "Law, Rules, and Regulations," which includes a recounting of the Code of Alabama as it relates to the board, in addition to rules and regulations as stated in the Alabama Administrative Code. These rules and regulations provide key documentation concerning the operation of the Alabama Board of Electrical Contractors. **(Bibliographic Title: State Publications)**

Licensing

- **Rosters of Licensees.** The board maintains a roster of licensees on its website at <http://www.aecb.state.al.us>. This roster contains a list of licensees, place of business, phone number, address, license number, and license expiration date. The roster provides key documentation of electrical contractors and journeyman electricians; thus, a copy should be printed out annually for permanent retention. **(Bibliographic Title: Rosters of Licensees)**
- **Newsletters.** Annually, a newsletter entitled "The Electrical News Brief" is published to communicate with licensees about legislation or other matters of potential interest to electrical contractors. The newsletter also contains a list of those who passed examinations and includes contact information for boards in other southern states. This newsletter provides documentation of the board's contact with its licensees. **(Bibliographic Title: State Publications)**

Enforcing

Permanent records providing summary documentation of this subfunction are found in the board's meeting minutes as described in the Promulgating Rules and Regulations subfunction.

Administering Internal Operations

- **Web Sites.** The board has a website at: www.aecb.state.al.us. Information on the web includes basic information such as a list of board members with their contact information, rules and regulations, and the law relating to electrical contracting. Applicants may download forms from this website to apply for a license. For the public, the website includes a consumer complaint form and a method to search the roster of licensed contractors. The disposition statement calls for retaining a "snapshot" of complete web site information annually or as often as significant changes are made to the site.

Permanent Records List

Alabama Board of Electrical Contractors

Promulgating Rules and Regulations

1. Minutes of the Board
2. Published Rules and Regulations

Licensing

1. Rosters of Licensees
2. Newsletters

Administering Internal Operations

1. Web Sites

Alabama Board of Electrical Contractors Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Board of Electrical Contractors. The RDA lists records created and maintained by the Alabama Board of Electrical Contractors in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Board of Electrical Contractors. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of

material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Board of Electrical Contractors and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

Promulgating Rules and Regulations

MINUTES OF THE BOARD

Disposition: PERMANENT RECORD.

PUBLISHED RULES AND REGULATIONS

Disposition: PERMANENT RECORD.

REGISTER OF ADMINISTRATIVE RULES

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 41-22-6).

Administrative Rule Files

Disposition: Temporary Record. Retain for useful life.

Licensing

ROSTERS OF LICENSEES

Disposition: PERMANENT RECORD.

NEWSLETTERS

Disposition: PERMANENT RECORD.

Licensure Files

Disposition: Temporary Record. Retain 5 years after the licensee becomes inactive.

Licensure Database

Disposition: Temporary Record. Retain until superseded or obsolete.

Unused Pre-numbered Blank Licenses

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Enforcing

Investigation Files

Disposition: Temporary Record. Retain 5 years after the licensee becomes inactive.

Administering Internal Operations: Managing the Agency

Sunset Committee Review Records

Disposition: Temporary Record. Retain until completion of subsequent sunset review.

Board Appointment Letters

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the term expired.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the implementation of the agency's RDA (copies of transmittal forms to the Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

WEB SITES

Disposition: PERMANENT RECORD. Retain a "snapshot" of complete web site information annually or as often as significant changes are made to the site.

System Documentation (hardware/software manuals and diskettes, warranties, Y2K records)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: Managing Finances

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$7500
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Administering Internal Operations: Managing Properties, Facilities, and Resources

Real Property Leasing Records

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

SEMIANNUAL INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

Transfer of State Property Forms (SD-1)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Motor Pool Vehicle Use Records

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Insurance Policies / Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Approval of Records Disposition Authority (RDA)

By signing this agreement, the Alabama Board of Electrical Contractors acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Alabama Board of Electrical Contractors will designate a managerial position as the agency's records officer. This position is responsible for ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in April of each year, and ensuring the regular implementation of the agency's approved RDA.
- Permanent records in the Alabama Board of Electrical Contractors' custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The board should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the board chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The Alabama Board of Electrical Contractors agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the board and to inspect records destruction documentation. Government Records Division archivists are available to train the board staff in RDA implementation and otherwise assist the board in implementing its records management program.

This Records Disposition Authority is hereby adopted on April 26, 2002.

Edwin C. Bridges, Chairman
State Records Commission

Date

Receipt acknowledged:

Keith Warren, Executive Secretary
Alabama Board of Electrical Contractors

Date